

United States District Court, Northern District of Illinois
(11)

Name of Assigned Judge or Magistrate Judge	James B. Moran	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	00 C 3694	DATE	2/14/2003
CASE TITLE	Glenview Partners vs. Plexus Corp.		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:**Memorandum Opinion and Order****DOCKET ENTRY:**

- (1) Filed motion of [use listing in "Motion" box above.]
- (2) Brief in support of motion due _____.
- (3) Answer brief to motion due _____. Reply to answer brief due _____.
- (4) Ruling/Hearing on _____ set for _____ at _____.
- (5) Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (6) Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
- (7) Trial[set for/re-set for] on _____ at _____.
- (8) [Bench/Jury trial] [Hearing] held/continued to _____ at _____.
- (9) This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]
 FRCP4(m) Local Rule 41.1 FRCP41(a)(1) FRCP41(a)(2).
- (10) [Other docket entry] Enter Memorandum Opinion and Order. Defendant's motion to alter or amend findings/conclusions of law is denied. Status hearing set for February 25, 2003 at 9:15am.

- (11) [For further detail see order attached to the original minute order.]

<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No notices required, advised in open court.	U.S. DISTRICT COURT FEB 18 2003 date docketed JMU docketing deputy initials FEB 18 2003 date mailed notice JMU mailing deputy initials	Document Number 4 number of notices FEB 18 2003 date docketed JMU docketing deputy initials FEB 18 2003 date mailed notice JMU mailing deputy initials
	No notices required.		
	Notices mailed by judge's staff.		
	Notified counsel by telephone.		
	Docketing to mail notices.		
	Mail AO 450 form.		
	Copy to judge/magistrate judge.		
	WAH		
courtroom deputy's initials	SC 11 H 11 8888 Date/time received in central Clerk's Office		

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DOCKETED

GLENVIEW PARTNERS, an Illinois)
partnership,)
Plaintiff,)
vs.) No. 00 C 3694
PLEXUS CORP., a Wisconsin corporation,)
Defendant.)

FEB 18 2003

MEMORANDUM OPINION AND ORDER

Defendant's motion to alter or amend findings/conclusions of law is denied. We denied the summary judgment motions because we believed there were genuinely disputed material facts. We resolved those disputed facts for the reasons stated in open court on September 26, 2002, and we adhere to those determinations.

Defendant, we concluded, had a contractual obligation to convey to plaintiff the Shure property. Defendant in good faith believed that Shure would convey the property to it. Its "fault," if it can be termed that, is an apparent failure to obtain a legally enforceable right to obtain the property from Shure before it bound itself to convey the property to plaintiff. If it had done so, it would still be liable to plaintiff but it could recover that loss from Shure. We also concluded that plaintiff did not have the unfettered right to walk away from the agreement, Gianone's testimony notwithstanding.

We had hoped that the parties could settle on a damages figure, and we continue to so hope. That may require, we suggest, some recognition by plaintiff that defendant did not act with dishonorable intentions. Whether plaintiff can recover on a proposed lease is a damages

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issue, which has yet to be determined. This matter is set for status on February 25, 2003, at 9:15 a.m.

James B. Moran
JAMES B. MORAN
Senior Judge, U. S. District Court

Feb. 14, 2003.